

(
1 Laura R. Jacobsen (NV Bar No. 13699)
McDONALD CARANO LLP
2 100 W. Liberty St., 10th Floor
Reno, NV 89501
3 Telephone: (775) 788-2000
Facsimile: (775) 788-2020
4 ljacobsen@mcdonaldcarano.com

5 Christopher A. Pickett (MO Bar No. 51059)
(*pro hac vice* to be submitted)
6 GREENSFELDER, HEMKER & GALE, P.C.
10 South Broadway, Ste. 2000
7 St. Louis, MO 63102
Telephone: (314) 241-9090
8 Facsimile: (314) 345-5465
cap@greensfelder.com

9 *Attorneys for Plaintiff*
10 *Edward D. Jones & Co., L.P.*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 EDWARD D. JONES & CO., L.P.

14 Plaintiff,

15 v.

16 MICHAEL PETERSON,

17 Defendant.
18

Case No.: 2:19-cv-01968

**STIPULATION AND ORDER TO
EXTEND TEMPORARY RESTRAINING
ORDER AND VACATE HEARING ON
MOTION FOR PRELIMINARY INJUNCTION**

(First Request)

19 Pursuant to Federal Rule of Civil Procedure 65(b)(2), Local Rules IA 6-1 and 6-2, and
20 Local Rule 7-1, Plaintiff Edward D. Jones & Co., L.P. (“Edward Jones”) and Defendant Michael
21 Peterson (“Mr. Peterson”), through their undersigned counsel, hereby agree and stipulate to extend
22 the Temporary Restraining Order issued by the Court on November 12, 2019 (ECF No. 10) (the
23 “TRO”) for a period of 14 days and vacate the hearing on Edward Jones’ Motion for Preliminary
24 Injunction (ECF No. 6) in light of the concurrent arbitration pending between the parties. Federal
25 Rule of Civil Procedure 65 provides that a temporary restraining order must expire within 14 days
26 of its issuance “unless before that time the court, for good cause, extends it for a like period or the
27 adverse party consents to a longer extension. The reasons for extension must be entered in the
28 record.” Fed. R. Civ. P. 65(b)(2). In support of this stipulation, and to provide good cause and Mr.

Peterson's consent to the extension of the TRO, the parties provide as follows:

1. The TRO will expire on November 26, 2019.

2. The hearing on Edward Jones' Motion for Preliminary Injunction (ECF No. 6) is set for November 25, 2019 at 10:00 a.m. (the "Injunction Hearing").

3. Concurrently with the instant case, Edward Jones is also pursuing its claims in arbitration pursuant to the Financial Industry Regulatory Authority ("FINRA") Code of Arbitration and Agreement. FINRA Rule 13804(b)(1) provides that when a court issues a temporary restraining order, FINRA shall hold an expediting arbitration hearing on a request for a preliminary injunction within fifteen (15) days of issuance of the temporary restraining order. Following that hearing, the FINRA panel will determine whether FINRA will issue an injunction.

4. The parties are in the midst of scheduling the expedited hearing pursuant to FINRA Rule 13804(b)(1). Due to the Thanksgiving holiday on November 28 and other scheduling conflicts, the parties and the FINRA panel are unable to schedule that hearing before the Injunction Hearing and before the TRO expires on November 26, 2019.

5. The parties seek to consolidate their efforts to have the FINRA panel take evidence and hear Edward Jones' request for injunctive relief and Michael Peterson's evidence in opposition to the request, in lieu of proceeding before both this Court and the FINRA panel.

6. The parties therefore request, and Mr. Peterson consents to, a 14-day extension of the TRO pursuant to Federal Rule of Civil Procedure 65(b)(2), up to and including December 10, 2019 in order to maintain the *status quo* until the matter may be heard in arbitration by the FINRA panel.

7. This request is not made for purposes of delay. Rather, the parties seek to streamline the litigation between them and conserve both the parties' and the Court's resources.

\\

\\

\\

\\

\\

1 8. By executing this stipulation, the parties do not waive any objections with respect to
2 the TRO and any preliminary injunction. **The preliminary injunction presently scheduled for**
3 **IT IS SO STIPULATED. November 25, 2019 at 10:00 a.m. is hereby vacated and**
rescheduled for December 9, 2019 at 10:00 am.

4 Dated: November 18, 2019

Dated: November 18, 2019

5 GREENSFELDER, HEMKER & GALE, P.C.

AKERMAN LLP

6
7 /s/ Christopher A. Pickett

8 Christopher A. Pickett (MO Bar. No. 51059)
9 10 South Broadway, Ste. 2000
St. Louis, MO 63102

/s/ Rex D. Garner

Rex D. Garner, Esq. (NV Bar No. 9401)
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134

10 McDONALD CARANO LLP

Danya W. Blair (TX Bar No. 00790315)
(Admitted Pro Hac Vice)
112 E. Pecan St., Suite 2750
San Antonio, TX 78205

11 /s/ Laura R. Jacobsen

12 Laura R. Jacobsen (NV Bar No. 13699)
13 100 W. Liberty St., 10th Floor
Reno, NV 89501

Attorneys for Defendant Michael Peterson

14 *Attorneys for Plaintiff*
15 *Edward D. Jones & Co., L.P.*

16 **ORDER**

17 **IT IS SO ORDERED.**

18 

19 HONORABLE JAMES C. MAHAN
20 UNITED STATES DISTRICT JUDGE

21 DATED: November 18, 2019.
22
23
24
25
26
27
28